

DRAFT/PROPOSED AMENDMENT FOR DISCUSSION

Patent Application No. 09/998,415
Reply and Amendment dated October 4, 2005
Reply to Final Office Action of July 28, 2005

REMARKS

Claims 1-13 and 21-32 are currently pending in the application. Claims 1, 4, 7, 11, 21, 29, and 32 have been amended.

In the July 28, 2005 Final Office Action the Examiner rejected claims 1-13 and 21-32 under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. The applicants respectfully traverse this rejection. In particular, the specification address a business software implementation installation program that assist an owner of the business software by requesting business specific information from the owner. The designations of first user verses second user were to clarify different owners, which clearly has sufficient support to convey to someone of ordinary skill in the art that the present inventors has possession of the claimed invention satisfying all requirements of 35 U.S.C. § 112 including the requirements associated with the written description. However, the applicants have redrafted the claims to eliminate the first user language so the present rejection of the claims under 35 U.S.C. § 112, first paragraph, is deemed moot. Withdrawal of the rejection under 35 U.S.C. § 112, first paragraph is respectfully requested.

In the Final Rejection, the Examiner maintained the rejection of claims 1, 3-11, 13-17, and 19-31 under 35 U.S.C. §103(a) as being unpatentable over the commercial product on a computer readable medium with memory and screen support "Setup Factory", User's Guide by Indigo Rose, 1998 (hereinafter referred to as "Factory") in view of "Profit: business management gets cute", PC Magazine, vol. 12, no. 8, pg. 54, April 27, 1993 (hereinafter referred to as "Profit"). Claims 2, 12, 18, and 24 have been rejected under U.S.C. §103(a) as being unpatentable over Factory and Profit as applied to claim 1, and further in view of basic use of Encryption as taught by Computer Security Basics from 1991 (hereinafter referred to as "Encryption"). Applicants respectfully traverse the rejections.

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Amended claim 1 relates to and recites a combination of elements including, for example, a “method in a computer system for enabling the development of implementation installation software by an expert for use by a non-expert to solicit and implement business related data for a software package comprising at least one independent module,” which is not disclosed, suggested, or taught by either Setup Factory, Profit, or Quicken. Setup Factory, for example, addresses a program to simply load a program onto a computer system. Setup Factory does not contemplate nor could it be modified to solicit implementation information to implement the loaded program because the loaded program is irrelevant to the fundamental purpose of Setup Factory. Rather, Setup Factory takes any program, independent of the information that program requires, and provides a tool to develop a wizard to assist the ultimate end user in loading that program on a computer system.

Neither Profit nor Quicken cure the defect of Setup Factory. According to the Examiner, Profit solicits business information regarding the business type and ownership. However, Profit is silent regarding how the screen shown on page 33 of Profit is actually developed. Thus, profit has no disclosure and is silent regarding the development of installation software to solicit business related information.

Moreover, people of ordinary skill in the art understand that Great Plains Solomon Select/Premier software, for example, needs to be tailored for particular industries to function properly. Thus, the questions to solicit information from, for example, a construction based company would be different than the questions to solicit information from, for example, a retail based company. Profit or Quicken, however, run the same program regardless of the actual type of company supplying the information. Thus, although Profit and Quicken may solicit information regarding what type of business and what type of ownership, the actual series of questions to solicit information is the same regardless of the answers. Thus, for at least this additional reasons, the present invention is distinguishable from both Profit and Quicken.

Thus, even if Setup Factory and Profit or Quicken are properly combinable, they do not teach the present invention in any reasonable combination. At most, combining Setup Factory with Profit/Quicken would result in an installation LOAD program, where Profit would load into

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a particular path or directory of the computer system. Combining Setup Factory and Profit would not result in an installation IMPLEMENTATION program.

As explained previously, installation in general means both load and implement. The present claim 1 has been amended to more clearly define that the present invention relates to development of installation IMPLEMENTATION programs. Support for installation IMPLEMENTATION programs has been previously provided and is apparent throughout the specification, such as, for example, the original application at page 6, line 15, to page 7, line 3. This section similarly supports the expert and non-expert additions to the claims.

Claim 1 has also been amended to recite a "software package comprising at least one independent module" to further clarify the present invention, which also is not disclosed or suggested by the references. Setup Factory relates to installing a single program. Moreover, Profit and Quicken are single programs and not interrelated modules. The present invention, however, relates to complex software packages, such as the specifically referenced "Great Plains Solomon Select/ Premier" accounting software. As one of ordinary skill in the art would understand, complex software packages have numerous independent modules that can function together. Each module is a single program standalone program, but they can be interrelated. Moreover, additional modules can be added at subsequent times. Thus, unlike the references of record, information solicited allows "the plurality of independent modules of the software package [to be] implemented."

In other words, the references of record show development of a loading development program (factory) to place software on a system, but do not disclose or suggest an implementation development program to put the loaded program into effect. Thus, for the above referenced reasons, claim 1 is patentably distinct from the references of record either alone or in any reasonable combination thereof. Thus, withdrawal of the rejection of claim 1 and allowance of the claim is respectfully requested.

Amended claims 7, 11, 21, 29, and 32 contains limitations similar to amended claim 1 and at least by virtue of the similarity, is patentably distinct from the references of record either alone or in any reasonable combination thereof. Claims 2-6 and 8-10, 11-13, 22-28, 30, and 31 depend either directly or indirectly from claims 1, 7 11, 21, 29, and 32 and, at least by virtue of

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the dependency, are patenatably distinct from the references of record either alone or in any reasonable combination thereof. Thus, withdrawal of the rejection of pending claims and allowance of the claims is respectfully requested.

No claim related fees are believed to be due with this response. In the event any such fees are due, please debit Deposit Account 08-2623.

The applicants respectfully request that the Examiner consider this Amendment and Response. The applicant submits that the pending claims are presently in condition for allowance and that no new matter has been introduced by this response. The applicant believes that the proposed response does not raise new issues or necessitate the undertaking of any additional search of art by the Examiner, because all of the elements were either earlier claimed or inherent in the claims as examined. Therefore, the amendment should allow for immediate action by the Examiner. Alternatively, the Applicants believe that entry of the response would place the application in better form for appeal, should the Examiner dispute the patentability of the claims.

The application now appearing to be in form for allowance, reconsideration and allowance thereof is respectfully requested.

Respectfully submitted this ____ day of _____, 2005

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